IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

MONDAY, THE 15TH OCTOBER 2007 / 23RD ASWINA 1929

WP(C).No. 30393 of 2007(R)

PETITIONER:

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1. ALI.O.P., UPPOOTTIL HOUSE,
   PRIVATE BUS STAND, PERUMBAVOOR, ERNAKULAM DISTRICT

2. RASIYA P.K., UPPOOTTIL HOUSE,
   PRIVATE BUS STAND, PERUMBAVOOR, ERNAKULAM DISTRICT

BY ADV. SRI.RAJESH VIJAYAN

RESPONDENTS:

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1. KERALA WATER AUTHORITY,
   PH SUB DIVISION, PERUMBAVOOR, REPRESENTED BY ITS
   ASSISTANT ENGINEER.

2. DEPUTY TAHSILDAR (REVENUE RECOVERY)
   KUNNATHUNAD TALUK.

3. VILLAGE OFFICER, PERUMBAVOOR VILLAGE.

R1 BY ADV. SRI.M.DINESH, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/10/2007, THE COURT ON 15/10/2007 DELIVERED THE FOLLOWING:

V.GIRI, J.

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W.P.(C) No.30393 of 2007

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Dated this the 15th day of October, 2007.

JUDGMENT

The petitioners are conducting hotel business in Perumbavoor Municipality, which according to them was closed down in the year 2003. Ext.P2 bill was raised by the Water Authority for water charges demanding an amount of Rs.5,487/- plus interest. Apparently petitioners filed Ext.P3 representation in relation to the said demand. According to them, hotel was closed in the year 2003 and therefore, there would not have been any significant consumption thereafter.

2. Ext.P5 revenue recovery notice is issued claiming an amount of Rs.68,533/-. Learned Standing Counsel for the Water Authority submits that charges must have been incurred even subsequent to Ext.P2 and it is only because the petitioners did not pay any amount that the demand is now made.

3. After having heard the learned counsel for the petitioner and the learned Standing Counsel and the learned Government Pleader, the W.P.(C) is disposed of in the following terms. The petitioners shall treat the amount shown in Ext.P5 as a demand made by the Billing authority in the Kerala

Water Authority and prefer an appeal before the Executive Engineer in terms of the Water Supply Regulations within a period of two weeks from the date of receipt of a copy of this judgment. The competent authority under the Regulations shall take a decision on such appeal within a period of six weeks of receipt of the appeal along with a copy of this judgment. Enforcement of Ext.P5 shall be kept in abeyance till disposal of appeal provided the petitioner pays an amount of rupees twenty thousand within three weeks from today. All payments made pursuant to the orders of this court will be subject to the decision to be taken by the appellate authority.

V.GIRI
Judge

pms